



July 5, 1999

Mr. Kevin W. Kapitan
Assistant City Attorney
City of Fort Worth
350 West Belknap Street
Fort Worth, Texas 76134

OR99-1863

Dear Mr. Kapitan:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126325.

The Fort Worth Police Department (the "department") received two written requests for a tape recording of a particular 911 telephone call that was made on April 28, 1999 from the Center Oaks Apartments. The 911 call concerned a baby that allegedly had been abandoned. You have asserted several legal theories for withholding the requested tape recording. Because we conclude that the requested recording is made confidential under section 261.201 of the Family Code, we do not address your other arguments for non-disclosure.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.* [Emphasis added.]

You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of child neglect, this office concludes that the department must withhold the requested tape recording in its entirety pursuant to section 261.201 of the Family Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/eaf

Ref.: ID# 126325

Encl. Submitted documents

cc: Mr. Allen Manning
FW Assignments Supervisor
KTVT-Channel Eleven
5233 Bridge Street
Fort Worth, Texas 76103
(w/o enclosures)

cc: Ms. Mary Ann Ruzzak
WFAA-TV
1200 South Summit Street, Suite 102
Fort Worth, Texas 76102
(w/o enclosures)